UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LIBERTY MEDIA HOLDINGS, LLC Plaintiff, vs. HAWAII MEMBERS OF SWARM OF NOVEMBER 15, 2010 TO JANUARY 27, 2011, SHARING HASH FILE AE340D0560129AFEE8D78CE07F23 94C7B5BC9C05; AND DOES 1 through 12, Defendants.	Case No. 1:11-cv-00262 DAE-RLP **[PROPOSED] ORDER GRANTING PLAINTIFF'S *EX-PARTE* MOTION FOR ORDER AUTHORIZING ADDITIONAL EARLY DISCOVERY AND ADDITIONAL TIME FOR SERVICE**

[PROPOSED] ORDER GRANTING PLAINTIFF'S *EX-PARTE* MOTION FOR ORDER AUTHORIZING ADDITIONAL EARLY DISCOVERY AND ADDITIONAL TIME FOR SERVICE

The Court, having read all papers filed in connection with the Plaintiff's *Ex-Parte* Motion For Order Authorizing Additional Early Discovery and Additional Time For Service Under Rules 26(d) and 4(m), FRCP, and good cause appearing therefore;

IT IS HEREBY ORDERED AND DECREED that the motion is granted.

As discussed in this Court's order (Doc # 22 issued May 3, 2011) granting in part Plaintiff's earlier filed motion for early discovery, Plaintiff has (1) identified the doe defendants with sufficient particularity for the court to determine whether the defendants are real persons who can be sued in federal court; (2) recounted the steps taken to locate and identify the doe defendants; (3) demonstrated that the lawsuit can withstand a motion to dismiss; and (4) proven the requested discovery is likely to lead to identifying information to allow service of process. *Patrick Collins, Inc. v. Does* 1- 1219, No. C 10-14468 LB, 2010 WL 5422569, at *2 (N.D. Cal. Dec. 28, 2010) (citing *Columbia Ins. Co.*, *supra* at 578-80; *IO Group, Inc. v. Does 1-65,* No. C 10-4377 SC, 2010 WL 4055667, at *1 (N.D. Cal. Oct. 15, 2010)).

This Court is further persuaded that the additional discovery being requested is necessary to permit Plaintiff to identify the remaining doe defendants with reasonable certainty as the individuals who actually engaged in the infringing conduct alleged in the complaint.

Plaintiff has also demonstrated that it has prosecuted this case diligently within the confines of the law such that there exists good cause, under Rule 4(m), FRCP, to further extend the time within which Plaintiff may identify and serve the remaining Doe Defendants.

Plaintiff is authorized to conduct additional limited early discovery solely for the purpose of identifying the remaining Doe Defendants, through written discovery requests and/or depositions of those Internet subscribers who were identified by the ISP Time Warner Cable but who have not yet settled. The time within which Plaintiff may serve the remaining Doe Defendants under Rule 4(m), FRCP, is extended for up to 90 days following the issuance of this order.

DATED: Honolulu, Hawaii, ______________, 2011.

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Judge of the Above-Entitled Court